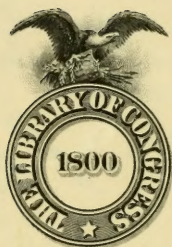


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FUR-SEAL FISHERIES

HEARINGS

U. S. Cong. Senate 713
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BEFORE THE COMMITTEE ON CONSERVATION
OF NATIONAL RESOURCES ON BILL (S. 7242)
ENTITLED "AN ACT TO PROTECT THE
SEAL FISHERIES OF ALASKA, AND
FOR OTHER PURPOSES"



PRESENTED BY MR. DIXON

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INVESTIGATION OF THE FUR-SEAL FISHERIES.

SATURDAY, FEBRUARY 26, 1910.

COMMITTEE ON CONSERVATION OF NATIONAL RESOURCES,
UNITED STATES SENATE,
WASHINGTON, D. C., *February 26, 1910.*

The Committee on Conservation of National Resources met at the call of the chairman in the Senate Office Building.

The committee met at 10 o'clock a. m. for the purpose of the consideration of the following bill.

Present: Senators Dixon (chairman), Dillingham, Heyburn, Clark, of Wyoming, Dolliver, Dick, Newlands, Overman, Bankhead, Smith, of South Carolina, and Jones.

Dr. W. T. Hornaday, of New York, appeared.

The CHAIRMAN. Before proceeding I want to announce that I have called a meeting for the consideration of Senate bill 7242, a bill to protect the seal fisheries of Alaska, and at this point I desire to insert the bill in full. The bill is as follows:

A BILL To protect the seal fisheries of Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: *Provided, however,* That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other persons: *And provided further,* That male seals only shall be killed and that not more than ninety-five per centum of three-year-old male seals shall be killed in any one year.

SEC. 2. That any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States and shall constitute a fund to be called the Alaska seal fund, which shall be used, under the direction of the Secretary of Commerce and Labor, to defray the expense of furnishing food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and of providing for their comfort, maintenance, education, and protection, and to defray the cost of administering the laws of the United States relating to the seal fisheries of Alaska, including the salaries and expenses of all officers, agents, or employees appointed to enforce said laws.

SEC. 3. That whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair com-

pensation, to be fixed from time to time by the Secretary of Commerce and Labor, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit.

SEC. 4. That section nineteen hundred and fifty-six of the Revised Statutes of the United States and section one hundred and seventy-three of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law."

SEC. 5. That section nineteen hundred and fifty-nine of the Revised Statutes of the United States and section one hundred and seventy-six of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect."

SEC. 6. That section nineteen hundred and sixty of the Revised Statutes of the United States and section one hundred and seventy-seven of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor."

SEC. 7. That section nineteen hundred and sixty-one of the Revised Statutes of the United States and section one hundred and seventy-eight of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States."

SEC. 8. That section one of the act of December twenty-ninth, eighteen hundred and ninety-seven, be amended to read as follows:

"No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea."

SEC. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation; he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of Saint Paul and Saint George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of Saint Paul and Saint George, including the dwellings of the natives of said islands, the title to said dwellings upon acquisition by the United States to be vested in the native occupants thereof and their heirs; he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

SEC. 10. That sections nineteen hundred and sixty-two, nineteen hundred and sixty-three, nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy, nineteen hundred and seventy-one, and nineteen hundred and seventy-two of the Revised Statutes of the United States, and all acts and parts of acts inconsistent with this act are hereby repealed. The provisions of this act shall take effect from and after the first day of May, nineteen hundred and ten.

STATEMENT OF DR. W. T. HORNADAY.

Doctor HORNADAY. I fancy that you have time, gentlemen, to consider only the facts that impinge directly upon the subject of the present hearing. It is my sincere belief that the fate of the fur seal to-day lies in the hands of this committee, the Secretary of Commerce and Labor, the Secretary of State, the Commissioner of Fisheries, and the President of the United States, and if that small group of men is not instrumental in securing immediately the measures that are absolutely necessary to the preservation of that industry, then I believe that it will be wiped out entirely in the very near future.

First, one word in regard to my own status. By profession I am a zoologist, but when I am at home I draw as much salary for being a practical business man as for my zoological work. My interest in this question is not alone that of a zoologist, nor is it a sentimental interest. As a business man and patriotic citizen I desire to see a very valuable industry saved to the Government and to the people of the United States.

I represent here the Camp-Fire Club of America, which is a New York organization of lawyers, doctors, business men, and others, all of whom are sportsmen and lovers of nature. One of the chief objects of the club is the preservation of wild life and forests. Our New York organization is allied with six other clubs, scattered all the way from Jamestown, N. Y., to Los Angeles, Cal. Our own club in New York contains about 350 members. A committee consisting of thirteen members, all of whom, with the exception of myself, are lawyers, has been formed to promote the better protection of wild life. It is called the committee on game protective legislation and preserves, and of it I have the honor to be chairman. One of the first acts of that committee was to consider the case of the fur seal. My expenses here are paid by a special subscription in the club for

the work of this committee. I do not come here to represent the New York Zoological Society. That organization has not elected to take an active part in the fur-seal matter, for the reason that it has so many interests in other directions.

THE CURSE OF "PELAGIC SEALING."

The present trouble lies first in the fact that the number of fur seals have diminished to a very low point, and, secondly, that the situation is entangled with the affairs of other nations, particularly Canada and Japan. The evil at this moment arises from what is called "pelagic sealing," but I shall be careful not to dwell on the details of that, because I know that you are already familiar with it. "Pelagic sealing" means killing seals at sea; and in killing seals at sea all ages and sexes are killed, indiscriminately, and of all that are killed, fully one-half are lost. If you will permit me for about two minutes to block out the subject, I will point to this map. [Indicating on maps printed herewith.] (See map No. 2.)

Here are the Pribilof Islands. Owing to the lack of a treaty with Japan, the Japanese seal-hunters have the right to kill seals to within 3 miles of the shores of these islands. They always have had that right, and during the past fifteen years have exercised it with merciless vigor and persistence. You will remember that about two years ago a party of Japanese landed on one of the Pribilof Islands and actually began to kill the seals on our own soil.

This large circle represents the Canadian dead line. The Canadians may kill fur seals anywhere outside of that black circle, which is 60 miles from the shore of the islands, but Americans may not kill seals at sea anywhere.

Now, it is a well attested fact that every year, in the fall, the seals leave these islands and make the most wonderful migration that is made by any aquatic species in the world. It covers nine months in the year, and reaches about 2,000 miles. The months indicated here represent the seasonal progress of the herd. This region forms part of the hunting grounds of the pelagic sealers of Canada, who make their headquarters in Vancouver and Victoria. Until very recently, at least, the pelagic fleet contained about thirty vessels, manned by about twelve hundred men, using about three hundred boats. The sealers know in general the locality of the fur seals at different periods of the year. The migration route has been determined by the logs of the various pelagic sealing vessels that have taken fur seals at various times of the year throughout that great course. The greatest killing is done around the islands and close along the Pacific coast from San Francisco up to Prince William Sound. Between 1883 and 1897 a total of 304,713 skins of seals killed at sea were marketed, and undoubtedly an equal number were lost. In 1895 there were 56,291 seals killed at sea that were secured.

During the breeding season, or from July to October, the mother seals are obliged to leave the islands to go off shore from sixty to a hundred miles for food. The moment the mother seals leave the Japanese 3-mile dead line, the Japanese sealers are after them; and a mother seal, in order to get her food with which to suckle her young, is obliged to run the gauntlet of these Japanese vessels. The destruction of a mother seal means the starvation of the offspring

on shore; and uncounted thousands of young seals have perished on our islands from that cause.

In 1895 a member of Congress, Mr. J. B. Crowley, assisted in counting about 30,000 young fur seals that starved to death on the breeding ground because their mothers had been killed while in quest of food.

Now, let us come down to the necessities of the case. It has been my pleasure to study both the life history and the political history of the fur seal during the past thirty years. I have accumulated during that time a great many documents and publications on the subject, and facts derived from men who are familiar with the fur seals and the islands from personal observation. Up to this date several of my personal friends have been advising the Government as experts, and although I have witnessed this awful and wasteful slaughter of the fur-seal herd, I have resolutely held my peace until a few weeks ago. Now, however, as the total destruction of this industry is imminent and the fur seal is fast following the American bison, I feel that it is my duty as an American citizen to speak out.

To come directly to the point, from a careful study of the present situation and the past history that has led up to it, especially the Russian history of the fur-seal industry, I am convinced that we must do three things to save our fur-seal herd, as follows:

(1) We must immediately forbid the execution of a new lease for the killing of fur seals on these islands, for reasons that I will presently set forth;

(2) We must secure treaties with Canada, Russia, Japan, and Mexico which will put a stop to pelagic sealing; and

(3) We must declare a close season for ten years.

THE RUSSIAN EXPERIENCE AND EXAMPLE.

I will give you briefly my reasons for these opinions. Take, for instance, the necessity for a close season and for no lease. You will remember that the lease held by the North American Commercial Company expires next April. It is believed by some officers of the Government that the law providing for its renewal is mandatory. That is for this committee to determine. I hold in my hand a document entitled "Fur Seals of Alaska: Hearings Before the Committee on Ways and Means of the House of Representatives" (58th Cong., 2d sess.). On page 63, dealing with the Russian period of great diminution of the fur-seal herd, we find that in 1820 a report was made to the Russian Government by its expert, Mr. Yanovsky. The document says:

In his Report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, "sekatch" and half "sekatch," are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

This view is confirmed by experience. In order to prevent the extinction of the seals it would be well to stop the killing altogether for one season and to give orders that not more than 40,000 are ever to be killed in any one year on the island of St. Paul, or more than 10,000 in any one year on the island of St. George.

Mr. Yanovsky considers that if these measures are adopted the number of seals will never diminish. The board of administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands. * * *

* * * * *

The Russian records show that from 1817 down to 1834 the supply of choice young male seals was constantly growing less and less as each year followed the other; they show that no such method of killing these seals at sea, now so well known to us as "pelagic sealing," was known to white men or practiced by them, or by the Alaskan natives, during the entire period of Russian ownership and control, ending in 1867; they show that this remarkable shrinkage of the herd from 1817 down to 1834 was due entirely to overdriving and killing of young male seals; they show that fourteen years before the utter collapse of the herd took place this result of ruin was announced by an official investigator, who urged, in 1820, that steps be taken then to avert the disaster, and they show that in spite of this clear note of warning and remonstrance the greed and the avarice of a Russian board of directors overruled Yanovsky's appeal; then they show that the end was reached in 1834, just as he had predicted under date of February 25, 1820, saying:

* * * "That every year the young bachelor seals are killed, and that only the cows, 'seecatchie' and polseecatchie,' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct." * * *

Then he asks that the killing be stopped altogether in 1821; and then, when resumed in 1822, that only 40,000 be killed, etc. (Proc. Tribunal of Arbitration Bering Sea, vol. 8, pp. 323-325, No. 6, 1893.)

To this warning and remonstrance against overdriving and killing young male seals on the Pribilof Islands in 1820 the Russian board of directors from St. Petersburg, under date of March 15, 1821, made the following reply and denial: "That although they concur in Mr. Yanovsky's view they have decided not to adopt the measures proposed by him," etc.

What was the result?

The entire disappearance of the killable young male life occurred on the islands in 1834. Then came the long rest of ten years on these rookeries before killing to any noteworthy extent of young males was or could be resumed.

In 1834 the Russian records show that just 100 "balluschiekie" were taken—all that could be secured on St. Paul Island "safely"—"leaving in 1835 for breeding 8,118 fresh young seals, males and females together." (Veniaminov: Zapieskie, etc., Vol. II, p. 568 et seq., 1842.)

From the Russian experience there stand forth several important facts by which we may well profit at this hour:

(1) In 1821 the Russians were warned to suspend the killing of the seals.

(2) They refused to heed that warning.

(3) They thought that the killing of the surplus young males, under strict regulations, would not be detrimental to the herd as a whole.

(4) The rapid decline of the entire herd, to 8,000 head in 1834, proved the folly of the continued-killing policy, and

(5) In 1835 a ten-year close season was ordered.

There is a chapter of experience that is applicable to the present moment. During that ten-year close season the seal herds increased to such great numbers that killing was resumed on a large scale, and in 1871 we found 4,000,000 seals on our islands.

My prediction is that if the present system of killing continues that the fur seal as a revenue-producing animal will be blotted out of existence in two or three more seasons.

VIEWS OF THE UNITED STATES FISH COMMISSIONER.

At this point a few passages from the latest Report of the Commissioner of Fisheries becomes of special interest. I will read from pages 27, 28, and 29, and I desire to file the whole of Commissioner Bowers's reference to the "Alaskan Fur-Seal Service" as a part of my testimony:

From the report of the agent at the seal fisheries it appears that during the season which closed July 31, 1909, the lessees were unable to obtain the quota of 15,000 skins, for the reason that the requisite number of bachelor seals did not appear in the drives during the legal season. The total take of skins was 14,336, of which 11,022 came from St. Paul Island and 3,314 from St. George Island.

* * * * *

During the season—

That is, of 1909—

a special count of the seal herd was made by Mr. George A. Clark, a member of the fur-seal commission of 1896-97, to whom was assigned the detailed study of the rookeries in those years. His investigations in 1909, following the same methods and having the same scope, are particularly interesting and important. It appears that the fur-seal herd has undergone a heavy decline during the past thirteen seasons, as evidenced by the fact that in 1896 and 1897 there were 157,000 and 130,000 breeding females, while in 1909 there were only 50,000. This decline has been caused by the continuance of pelagic sealing, which results in the killing of the females in excess of the natural increment of young breeders. The injurious effects of pelagic sealing have greatly increased in recent years, owing to the presence of a large fleet of Japanese vessels using firearms and operating throughout the season in close proximity to the rookeries, sometimes forming a close cordon through which the seals have had to pass on their way from and to the rookeries.

The fur-seal service has come under the jurisdiction of the bureau at a time when the condition of the seal herd is worse than ever before, when the outlook is most discouraging, and when the contract for the lease of the islands for a period of twenty years must, under the law, be renewed. Under the existing circumstances the value of the franchise is greatly diminished, large financial losses may be sustained by the Government, and the perpetuity of the herd is seriously menaced.

Continuing elsewhere the report says:

The net outcome of the work, arguments, recommendations, and pleas of a long procession of special commissioners, experts, and agents has been (1) the passage of a law by which American fishermen are prohibited from engaging in pelagic sealing, while fishermen of all other nationalities are permitted to do so, and (2) the steady and rapid decimation of the herd, which has occurred entirely independently of the legitimate operations on the islands.

The Alaskan fur seals constitute the most valuable fishery resource that any Government in the world ever possessed. It is little less than a national disgrace that the herd of four to six million seals which came into our possession when Alaska was acquired from Russia and has been under our charge ever since should have been allowed to dwindle until to-day it numbers less than 150,000 of all ages.

I regard Commissioner Bowers's report as a very valuable document. I do not see how it could have been improved upon even had it been written by Henry W. Elliott himself.

Senator DIXON (chairman). What is your estimate of the total number of seals of all ages now alive and really inhabiting our seal islands?

Doctor HORNADAY. I accept Mr. Clark's figures of 50,000 for the females and of 1,760 for the breeding bulls. You observe that apparently all the killable bachelor seals were killed in 1909, so they are

out of the reckoning. I believe that 60,000 as the total number is very near the mark; but to save argument over a trifling detail I am quite willing to admit 75,000 as the number now alive.

OPINION REGARDING HENRY W. ELLIOTT.

Senator DILLINGHAM. A moment ago you mentioned the name of Mr. Henry W. Elliott. I wish you would state your opinion of him as an authority on matters relating to the fur seal.

Doctor HORNADAY. I have known Mr. Elliott for twenty-eight years. You will remember, some of you at least, that Mr. Elliott was the first man ever sent to Alaska by the United States Government to study the life of the seals. He was sent to the Pribilof Islands in 1871, and he spent three long years there. He was previously connected with the Smithsonian here in Washington, under Secretary Joseph Henry.

Senator DILLINGHAM. But did he go as the agent of the Government?

Doctor HORNADAY. He went up there as an agent of the Treasury Department. His monograph of the fur-seal islands, embodying all of his observations, was published, I think in 1879, and for twenty years or longer it stood as the most—in fact, the only—complete and authoritative document relating to that subject.

Now, Mr. Elliott has just one hobby in the world, and that is the preservation of the fur seal. That is his one idea in life. Mr. Elliott has accumulated a mass of precise information regarding the life history and the political history of the fur seal that I think is unrivaled. I have never known any important fact stated by Mr. Elliott to be successfully controverted. He has made two or three minor errors, which he has not hesitated to acknowledge; but as a source of information, and of valuable opinions regarding the fur seal, I regard Mr. Elliott as the first man in the world.

I will add that during the past five years Mr. Elliott has become almost wild with indignation at the way this valuable industry has been annihilated; and he has appealed to a great many members of Congress, to the President, and to various cabinet officers, for action to stop pelagic sealing and preserve the fur-seal herd. He has been so bitterly disappointed at the way things have gone that he has used a great deal of strong language. At times his language has been even violent. He has no personal interest at stake in the matter; none whatever; but to him these fur seals are, you might say, his proteges, and he feels very strongly regarding their destruction. If this committee, or any member of Congress, ever has occasion to call upon Mr. Elliott for information or opinions, I think you will get those opinions and information from the very highest authority. It is quite true that Mr. Elliott has antagonized the expert advisers of the Government. They are in disagreement on many points; and for myself, I try to stand between the two, urging everybody to get together, and unite in an effort that will preserve a once valuable industry from complete destruction.

OPPOSITION TO A NEW LEASE FOR SEAL-KILLING.

We come now to the question of a new lease, which is the urgent question of this moment. I am advised that the Secretary of Commerce and Labor feels that he is compelled by the terms of statute

law to make a new lease as soon as the present lease with the North American Commercial Company has expired. I think that the Secretary is now debating in his mind how he shall call for bids. It was reported in the New York papers the day I started for Washington that he was on the point of calling for bids. I have not received that information from Secretary Nagel, so I do not quote him to that effect. I considered that information very alarming, and that is why I came on the short notice that I did. I have quoted the view of the Commissioner of Fisheries, who states that the law for a new lease is mandatory; and that is where the shoe pinches.

TREATIES REGARDING PELAGIC SEALING.

I have been convinced all along that if a new lease is now made, to take the place of that which expires next April, it will greatly complicate the negotiations of our State Department, not only with Canada, but Japan and Russia as well. We believe that the Japanese and Russians are willing to enter into an agreement with us for the suppression of pelagic sealing as soon as we come to satisfactory terms with Canada. Last year our State Department endeavored to negotiate a seal treaty with Japan, but with no result.

Now, what is the state of affairs with Canada? During the past three years the State Department has submitted several propositions to Canada. I do not wish to say much regarding the work of the State Department, but there are some things that really must be said. I understand that certain propositions were submitted by Senator Root, then Secretary of State, and that they have all been rejected. The matter remains as much open and unsettled—and irritating—to-day as it was four years ago. Now, here is an important fact bearing on this subject:

In 1905 Mr. John Hay, who was then Secretary of State, prepared, with the assistance of Senator Dillingham, the basis of an agreement with the Canadian government that, if ratified, would have settled this whole matter and put it on a good foundation for many years to come. That agreement, a copy of which I hold in my hand, proposed that Canada should have a compensation for the suppression of pelagic sealing by her people. The Canadians are not willing to give up their pelagic sealing privileges for nothing, for the simple reason that the Canadians have made much money out of it. Now, Mr. Hay and Sir Mortimer Durand agreed that it was right for Canada to have compensation—in the form of a small percentage of the net annual income from the killing lease—20 per cent of whatever the amount might be, and also the privilege of being represented by a commissioner on our islands. Well, just as this was on the point of being ratified into a treaty Secretary Hay died and the whole thing fell to the ground. Mr. Elliott exercised every form of persuasion and insistence that he knew of to induce this Government, through Congress, through cabinet officers and the President, to renew it along those lines, but I am told by Mr. Elliott that it never was done.

At the Paris tribunal, in 1893, we made a treaty with England and Canada, by which the Canadians were estopped from pelagic sealing at the 60-mile limit. We have no absolute treaty with Japan and Russia, and therefore the terms of international law hold good;

that is to say beyond the 3-mile limit. We can not protect our fur seals from either Japanese or Russians. Canada is still bound by the Paris award to the 60-mile limit.

THE SENATE COMMITTEE'S PROPOSAL.

The proposition that the Camp-Fire Club submits now is exactly what Senator Dillingham's committee proposed several years ago. It is nothing new, but it is ten times more necessary to-day than it was then. In talking this matter over, and I refer once more to the fact that, with the exception of myself, all of the members of the Camp-Fire Club's committee on game protection are lawyers and level-headed business men. In discussing the situation we concluded it to be well worth while to make a clear field for the State Department for the making of treaties, by the withholding of a new lease and the enactment of a ten-year close season. This seems clearly imperative, both from the diplomatic standpoint and because of the necessity of allowing the seals time in which to breed up to say a million head, so that we can again begin killing and can derive an annual revenue of a million dollars. We have strenuously held that there should be no renewal of the lease now, for those reasons.

Although this Government submitted to England, last November, a proposal for a new treaty concerning the fur seal, we know that we are only on the threshold of negotiations in the matter. As everyone has read in the newspapers, the proposition submitted by our State Department to England was by England transmitted to Canada. We know it reached Ottawa about the 15th of this present January, and we have recently been advised from London that it "has been held up." We feel sure that the reason why Canada has made no sign, and why we have heard nothing from that proposal, is that the terms of it are not satisfactory to Canada. In other words, we think it likely that there is no compensation to Canada provided for in that proposition. An interested citizen with whom I have recently discussed this matter thought that, if necessary, it would be proper to give Canada some compensation for the total suppression of her pelagic sealers.

I said to him, "Would it not facilitate our negotiations if that lease is not renewed this year, so that we can go with clean hands before foreign nations interested, and say 'We have stopped all killing on our islands?'" He replied, "It certainly would." "It stands to reason that our Secretary of State would be glad to have a clear field while he is negotiating."

A CLEAR FIELD FOR TREATY MAKING.

That opinion is extremely important at this time. It will take a year to make these treaties; and it may take even longer. I insist upon it, as representing three hundred and fifty good citizens who are interested in this subject, that the making of any new lease at this time would complicate our negotiations with foreign governments, and it might easily be the means of entirely defeating the purpose of our Secretary of State. We believe that the imperative need at the present hour is that this committee shall secure from Congress such action which will enable the Secretary of Commerce and Labor

to abandon all thought of now executing a new lease, and at the same time, if possible, provide for a ten-year close season.

There is one other matter that I desire to mention, because it is certain to be brought forward by those who desire the execution of a new slaughtering lease. The law provides that the Secretary of Commerce and Labor shall have the power to restrict, or in other words, to place a limit upon the number of seals that may be killed under the lease, according to his discretion. It is claimed by some of the gentlemen who do not agree with us in the matter, that it is not necessary to have a new act passed, or any new regulation of any kind adopted on the theory that the Secretary of Commerce and Labor has the power to regulate killing operations upon our islands and suspend all killing if he chooses. I do not think that, as professional and business men, this committee is likely to lose sight of this fact: With a new lease in existence, and with thousands of dollars invested in the sealing industry, it will require a Secretary of Commerce and Labor with a tremendous amount of courage to go to the length of stopping the killing privilege entirely, even though he should think it ever so necessary. I do not think that it would be right for this Government to expect any Secretary to assume the entire responsibility of virtually abrogating an existing lease where the holders of the lease have large vested rights, and assuredly would put in large-sized claims for damages.

THE LOSS TO THE UNITED STATES.

We got last year (1909) \$10.22 per skin for 14,336 skins, making our revenue about \$150,000, whereas the protection of the islands with five revenue cutters and other charges on account of the fur-seal industry cost the Government about \$340,000 for the year, thus entailing a loss to the Government of about \$190,000 for 1909. Ever since 1895 we have had to maintain up there a fleet of from four to five vessels to protect the seal herds from total annihilation. You will remember that on one occasion a marauding force of Japanese seal killers landed on St. George Island and eight Japanese were killed by our guards. With the assistance of Mr. Elliott, I have ascertained from official records the cost of maintaining that patrol fleet, and our other expenses in connection with the fur-seal industry. The diagram I now submit, drawn exclusively from official records, shows that up to 1891, when the present lease was executed, we had received a net revenue of \$5,738,724; that since that time, or from 1891 up to this time, the net loss for the twenty years has been \$2,247,544; and that during that time the fur-seal herd has decreased from 4,700,000 to whatever it is now, which may reasonably be estimated at 60,000. As stated by Commissioner Bowers in his report, our loss on seals killed at sea easily runs up into more millions than we can reckon up. The worst of it all is that the situation to-day is so critical that nothing save quick and drastic action can save the industry from complete annihilation.

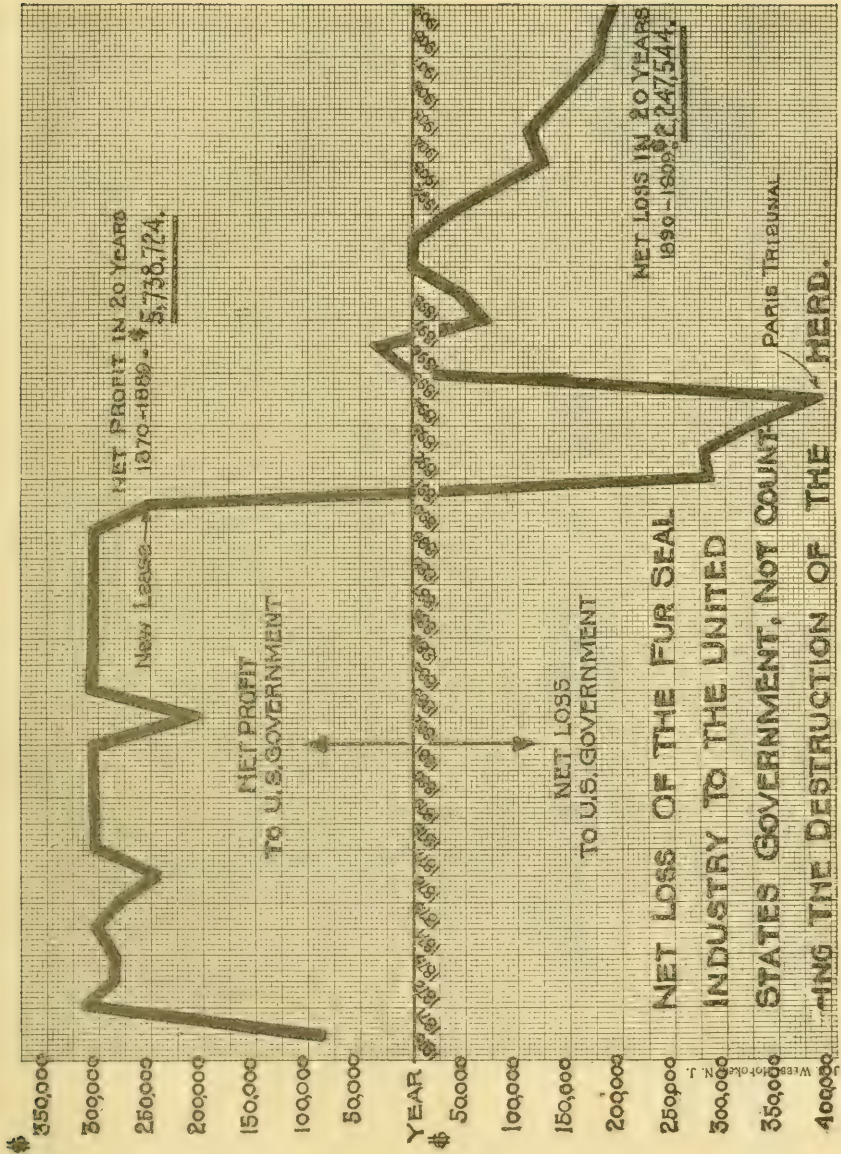
Now, gentlemen, I think that is all that I need to offer on this occasion. In conclusion, I wish to repeat what I said before—that the fur-seal industry rests in the hands of this committee, the Secretary of Commerce and Labor, the United States Commissioner of Fisheries, the Secretary of State, and the President of the United States.

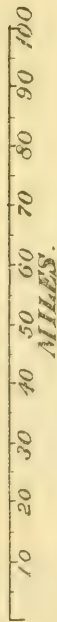
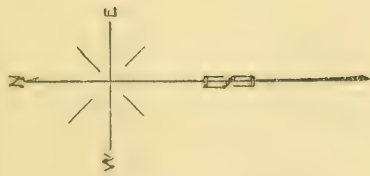
I have read various articles in Canadian papers, voicing the sentiments of the Canadian government, to the effect that Canada is not willing to make any new treaty except on a basis of compensation and joint control. It has been stated in several different forms that Canada is willing to enter into a treaty if she secures those two objects in return for the suppression of her pelagic sealers. It is plainly intimated that Japan and Russia is willing to make treaties with us as soon as we have made one with Canada, but not before. The necessity for the suppression of our killing on land, for a period, surely is obvious.

Senator NEWLANDS. Can you tell us who owns the bulk of the stock in the company holding the lease that expires in April?

Doctor HORNADAY. I have been informed, on what I regard as reliable authority, that two-thirds of the stock of the North American Commercial Company is now held by the estate of the late D. O. Mills, of New York, and that one-third of it is held by Mr. Henry Liebes, a dealer in furs, of San Francisco; and also, that Mr. Liebes is the president of the company.

For your information I would like to file as a part of my testimony my diagram designed to show at a glance the financial status of the fur-seal industry, and maps to illustrate the pelagic sealing situation. (See maps 2 and 3.) With the annihilation of a valuable industry actually impending, it is time to separate the enemies of the fur seal from its friends, and to know where every man stands.

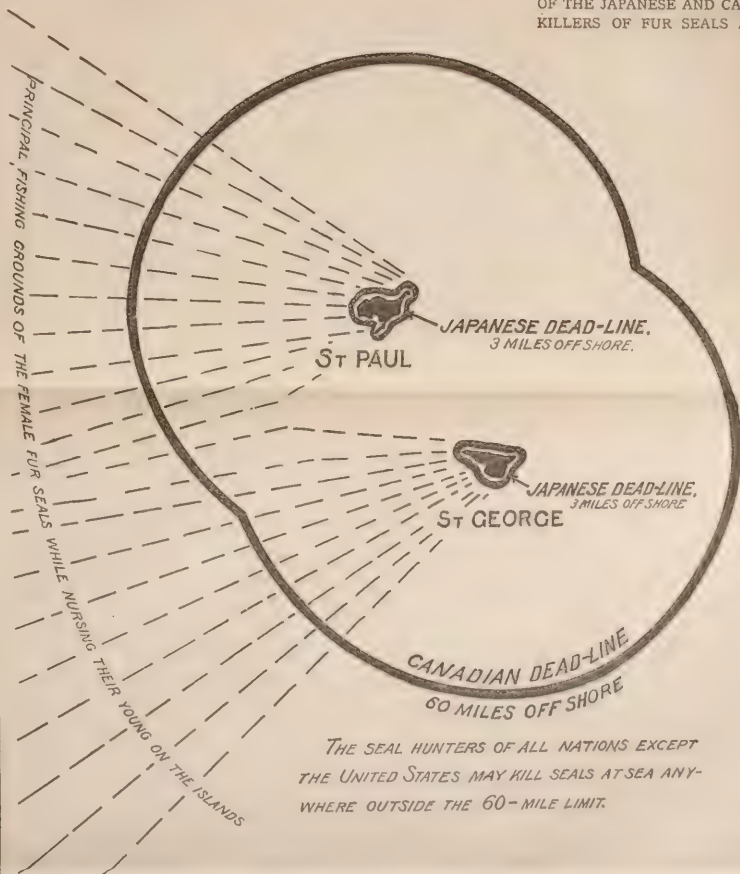




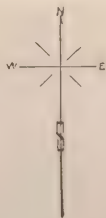
UMNAK IS.

THE PRIBILOF ISLANDS AND THE SPHERES OF INFLUENCE

OF THE JAPANESE AND CANADIAN
KILLERS OF FUR SEALS AT SEA.



THE SEAL HUNTERS OF ALL NATIONS EXCEPT
THE UNITED STATES MAY KILL SEALS AT SEA ANY-
WHERE OUTSIDE THE 60-MILE LIMIT.



10 20 30 40 50 60 70 80 90 100
MILES.

UMNAK IS.

110°

105°

MAP

SHOWING THE

Annual Migration of the Fur Seals of Alaska,

From the Chart of Henry W. Elliott (1892),

AND

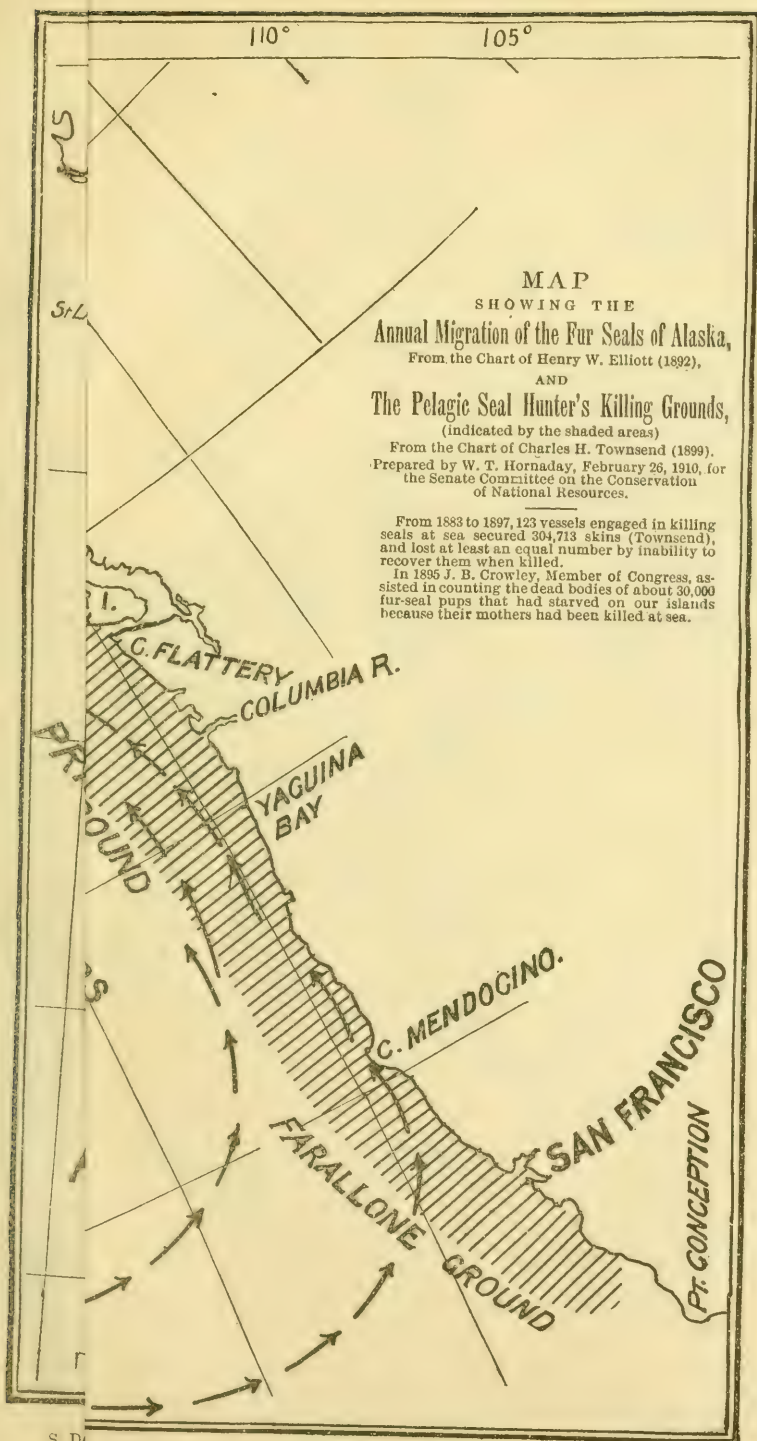
The Pelagic Seal Hunter's Killing Grounds,
(indicated by the shaded areas)

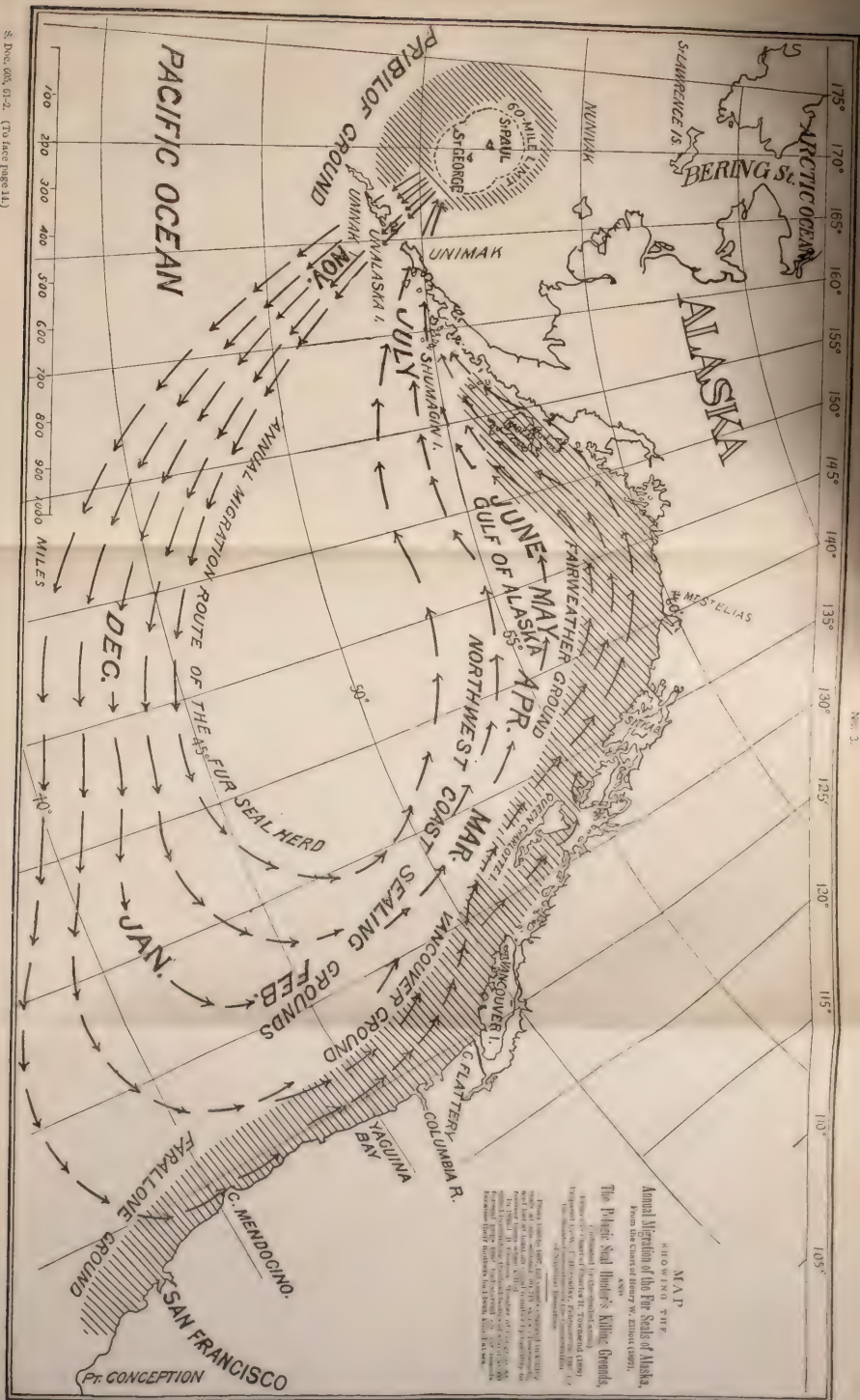
From the Chart of Charles H. Townsend (1899).

Prepared by W. T. Hornaday, February 26, 1910, for
the Senate Committee on the Conservation
of National Resources.

From 1883 to 1897, 123 vessels engaged in killing seals at sea secured 304,713 skins (Townsend), and lost at least an equal number by inability to recover them when killed.

In 1895 J. B. Crowley, Member of Congress, assisted in counting the dead bodies of about 30,000 fur-seal pups that had starved on our islands because their mothers had been killed at sea.





TUESDAY, MARCH 22, 1910.

COMMITTEE ON CONSERVATION OF NATIONAL RESOURCES,

Washington, D. C., March 22, 1910.

The Committee on Conservation of National Resources met at the call of the chairman in the Senate Office Building.

Present, Senators Dixon (chairman), Dick, Jones, Briggs, Dillingham, Guggenheim, Heyburn, Dolliver, Clark of Wyoming, Bankhead, Overman, and Smith of South Carolina.

Hon. Charles Nagel, Secretary of the Department of Commerce and Labor; Solicitor Charles Earl, George M. Bowers, Commissioner of the Bureau of Fisheries; Dr. B. W. Everham, of the Bureau of Fisheries; Walter I. Lembkey, Agent of the Seal Fisheries, and Dr. W. T. Hornaday appeared.

Secretary NAGEL. Mr. Chairman, I take it that the members of your committee are familiar with the position taken by the department, and more especially by the President, with respect to the fur-seal business, and I am not clear to what extent you care to have the subject discussed.

Senator DIXON. Just make a statement of the situation up there and the purposes for which you have drafted this bill.

Secretary NAGEL. Well, to put it as briefly as possible, the chief of the bureau and I have come to the conclusion, after reading the report and getting such information as we have been able to get, that the situation in Alaska presents a question of conservation and not a question of business for immediate profit. Of course, we could go along as we have for a number of years, and perhaps have a certain income, but at the present rate it is easy to anticipate the end of the seal, and to my mind therefore the one question is what can be done to protect the seal against absolute destruction. Everyone understands that the real difficulty is the continued pelagic sealing, and we have a condition to deal with which necessitates our adopting such measures as may be best calculated to bring about a cessation of that system. In that matter we have to deal with other countries, and we ought to adjust our interests in such fashion as to be able to respond from time to time to the conditions that may arise. To that end the Secretary of State and I have a complete understanding—we are of one mind.

Senator DIXON. Now, this bill fills all the possible requirement that the foreign office wishes in connection with the possible treaties.

Secretary NAGEL. Yes, sir; I wanted to be entirely accurate, so I submitted the memorandum to the Secretary of State and also the bill in the form in which it had been drafted, and the memorandum was carefully read by the Secretary. It had his entire approval, and I so stated to the President prior to his message.

Senator DILLINGHAM. This puts the fur-bearing animals under your direction?

Secretary NAGEL. That is the controlling idea. The President and I would like to have the fur-seal business put in such position that it may be pressed forward or receded from—treated from time to time just as the exigencies of the case call for.

Senator DILLINGHAM. As I understand it, it will place the matter where, for the preservation of the seal, you can act within your discretion, and leaves you in an attitude where you can negotiate with other countries and have the power to meet any condition that arises.

Secretary NAGEL. That is the idea; we did not think it absolutely necessary to provide for the killing of the bachelor seals, because a condition might arise when that would encourage pelagic sealing; so that we thought it best to leave that matter absolutely in our discretion to handle it as the conditions seem to call for. Of course, you know that this plan involves the care of the inhabitants.

Senator DIXON. How many inhabitants are there up there?

Secretary NAGEL. I think, in round numbers, there are about 300.

Senator CLARK. That includes the employees of the company?

Secretary NAGEL. You mean those of the natives that are employed by the company? I take it we would be relieved as to all responsibility except as we might employ them.

Senator DILLINGHAM. I think, as a matter of fact, the lessees have employed the natives on the islands.

Senator DIXON. Some one made a statement in the Senate that there were only about 37 or 40 of the natives on the islands.

Secretary NAGEL. No; there must be over 200.

(Reading of the bill on page 2, line 4:)

And provided further, That male seals only shall be killed and that not more than ninety-five per centum of three-year-old male seals shall be killed in any one year.

Senator DILLINGHAM. I suppose that 95 per cent is based on a recommendation to the Secretary by the seal board, that is, the advisory board of the Commissioner of Fisheries, including Doctor Jordan, who is one of the members.

Mr. W. I. LEMBKEY (agent in charge). I would state, Mr. Chairman, that the regulations at present in force on the islands reserve more than 5 per cent of the number of 3-year-old seals estimated to be in the herd at the present time; this I take it, however, is the minimum limit, under which it would be impossible to go without violating the law. At the present time with a herd, in round numbers, of 140,000, we reserved only 2,000 males each of 2-year-olds and 3-year-olds and 1-year-olds, and that represents 12,000 3-year-old males in existence—

Senator BRIGGS. How do you reserve them?

Mr. LEMBKEY. Before any killing has been allowed the lessee these seals are driven up and marked by the government agents in such a manner as to make them recognizable during the drives in the summer. These seals bearing this mark are immune from killing, and those 3-year-old seals which have been branded and immunized from the killing, that is, from the 3-year-old killing, pass over until the next year to the 4-year-old kills.

Senator BRIGGS. How do you mark them?

Mr. LEMBKEY. Mark them by sheep shears by clipping a piece off of the top of their head.

Senator SMITH. Does this marking render them immune from killing when they pass the 3-mile limit?

Mr. LEMBKEY. No, sir, that is speaking of the killing entirely on land.

Senator HEYBURN. I would like to ask you: Do seals mate like birds?

Mr. LEMBKEY. No, sir; they are highly polygamous; a family is established by each bull, having in it as many cows as he can seize.

Senator HEYBURN. Do you think one seal bull is sufficient for a hundred females?

Mr. LEMBKEY. I have my doubts about that; the average harem on St. Paul is about forty.

Senator DIXON. Now, someone raised a question yesterday in the Senate, I don't remember who it was, that instead of the proceeds of the skins going into a fund to be disbursed by the Secretary that it ought to go into the Treasury straight and appropriations made from year to year. What would you say, Mr. Secretary, to the members of the committee regarding that?

Secretary NAGEL. Personally, I should prefer it; I do not know how convenient it will really prove to be, but as a matter of accounting, and as a matter of my responsibility in the premises, I should prefer to have it go into the Treasury, because I never like a side business like this and would consider it only because of the general temporary character of this legislation; as a permanent piece of legislation I would never be willing to advocate it.

Senator CLARK. I think, Mr. Chairman, from past experience my own impression is that a great deal of the difficulty that has arisen from the administration of the Forestry Service has been because of the fact that this same line was followed in the early administration of the Forestry Service and gave rise to a tremendous amount of criticism adverse to the officials of the Forestry Service, and I can see where this will lead to the same thing.

Senator DIXON. Would you suggest any amendment there?

Senator CLARK. No; I was going to suggest that we pass it over.

Secretary NAGEL. Before passing, I wish to call your attention to this fact, that this law must be enacted very promptly, if at all, because in five weeks—

Senator CLARK. Now, of course, we have not had this bill very long to look over. I understand that the principal point in which you are immediately concerned—the great cause of haste is because the law states that on the expiration of the lease a new lease shall be made by somebody, and that that lease expires on April 30. Speaking in a legislative sense, if we should give relief to that part of the bill, would it be necessary to fix all the details for the future government of the islands?

Secretary NAGEL. Perhaps not; but you would of necessity be compelled to make provision for the inhabitants and conditions of that kind, and that is precisely the point to which I expected to address myself. Appropriations will have to be promptly made because inside of five weeks Mr. Bowers must take charge of these islands and have provision made for supplies, etc., for these people.

Senator CLARK. Of course, I may be mistaken, but our appropriation for the inhabitants of the islands are now carried in our general appropriation bills—in the sundry civil appropriation bill. Now, our sundry civil appropriation bill of last year continues up to the 1st of July, and if found necessary, could not the same provision be put in the sundry civil bill for the next year?

Secretary NAGEL. Perhaps so; but in the meantime, if the contractors retire within five weeks, we ought to be in position not only to protect the inhabitants, but the herds themselves, ought we not?

Senator CLARK. Well, I am going on the assumption that that is already provided for by law at the present time. There are provisions of law at the present time as to the preservation of those seals which are unsatisfactory. The preservation of the seals and the government of the islands and everything is now in the hands, as I understand it, of the Secretary of Commerce and Labor, and that the authority of the Secretary of the Treasury was transferred to the Secretary of Commerce and Labor. Now, those laws provide that nobody shall land on the islands, and give the Secretary absolute dominion over the islands in all particulars. And then this law that was passed in 1870—I think it was 1870—provides that this contract should be by the Secretary either renewed or a new contract made with some other person when that contract had expired. Now, the question raised in my mind was whether, if the relief were granted—this hasty relief that is to be granted, according to the views of everybody, relieving the Secretary of making this new contract—whether or not the same was necessary to—

Senator DIXON. But suppose this bill only carried the repeal of these present laws, wouldn't it leave it in a state of chaos up there for the next year?

Senator CLARK. I don't think so.

Senator DIXON. What authority would you have to take care of the natives?

Senator CLARK. Civil authority. You would have exactly the same authority, as I understand it—the Secretary would have the same authority over the islands and over the seal herd that he has now.

Senator DIXON. But if you merely enacted the repealing clause—over here in section 8 it provides some new legislation making it unlawful for citizens of the United States to kill or hunt anywhere above the 35th parallel—wouldn't it be just as easy to get your new legislation as it would be to attempt it in a separate bill?

Senator CLARK. Possibly.

Senator DILLINGHAM. The fund provided for in section 2 is really of small importance compared to other funds—for instance, the forestry fund.

Senator DIXON. As a matter of fact, if this bill passes, it would be a closed season; you would really have no fund, for sometime, at least.

Senator HEBURN. We would have fund enough to protect the 3-mile limit of the islands, which runs to the end of the fiscal year.

Dr. W. T. HORNADAY. I would like to point out at this juncture one very important matter for consideration. We must constantly have our eye fixed on the work that the State Department will have to do, with Canada in particular. It seems to me absolutely certain that the Secretary of State can not do much with Canada unless he

can go to the Canadian government and say, "We have stopped killing seals on the islands absolutely; there is no more killing for profit; only to feed the natives. Now, if we can say that, our position with Canada will be strong, and if we can not say that, our position will be weak. Look at our position with Canada; the moral effect of going to Canada with absolutely clean hands in our negotiations and asking them, for decency sake, to join us in our efforts to get this matter on a practicable basis.

Secretary NAGEL. If we once agree not to kill at all we may find that we have furnished the very condition that makes it attractive; whereas, if we have the power to do either, we are in a much stronger position. I know nothing about it myself, but we may find that a proposed agreement between our country and some other country is based on the returns—of course, I hesitate to speak too strongly in favor of this bill because I am not inviting the burden. I would just as leave have it some place else. But in my judgment this is the intelligent way to approach the subject.

Senator HEYBURN. Now, there is a provision that the Secretary of Commerce and Labor shall have authority to purchase from the present lessee of the right to take seals on the islands of St. Paul and St. George, the warehouses, salt houses, boats, launches, etc.

Solicitor EARL. I do not think the contract provides for what should be done with the lease.

Senator DIXON. This section simply gives the Secretary the right to purchase.

Senator HEYBURN. The question is whether we want to purchase this at all. The question is why should we purchase it at all.

Senator DIXON. Doctor Lembkey, what have you to say as to why the Government should purchase these articles.

Mr. LEMBKEY. Mr. Chairman, whether the Government should purchase these dwellings or allow them to be occupied by the employees of the Government, after purchasing them, is a question not for me to decide, but I do think, as a matter of fairness, the company should receive compensation for that property which they shall abandon.

Senator DILLINGHAM. How many buildings are now occupied by the natives there?

Mr. LEMBKEY. There are 50 or 60 native houses on St. Paul Island, and there are about 25 or 30 on St. George; I imagine they are appraised by the company at about \$250 apiece; these are occupied by the natives as their family residences, erected by the Alaska Commercial Company in about 1872, and purchased by the North American Commercial Company from the Alaska Commercial Company in 1890, when the property of the old lessee was turned over to the new. In addition to the natives' dwellings there is a large residence on either island for the company employees, a storehouse on either island, several warehouses and houses for the storage of goods, there are two salt houses on St. Paul and one on St. George, four or five mules on St. Paul, and various other stock, one steam launch, and some boats. This property, with the exception of the boats, could not be removed, in my opinion, and of course it would remain on the island if it was purchased by the Government. It would be impossible to remove the dwellings. Of course, they might

raze them, destroy them, or tear them down; in that case, it would be obligatory by the Government.

Senator GUGGENHEIM. What is the probable value of that entire outfit?

Mr. LEMBKEY. Well, I could not estimate it, because I have no idea of the first cost; I have heard it variously estimated from \$60,000 to \$90,000.

Senator DIXON. Does that include the boats, launches, and everything?

Mr. LEMBKEY. Yes, sir.

Secretary NAGEL. Are you speaking of the first cost?

Mr. LEMBKEY. I was speaking of the amount the new company paid to the old company; the amount they paid for their paraphernalia.

Secretary NAGEL. That would be twenty years ago?

Mr. LEMBKEY. Yes, sir; I have heard both of those amounts stated—\$60,000 and \$90,000.

Senator HEYBURN. Would that include the boats?

Mr. LEMBKEY. Yes, sir, everything; the boats are simply small row boats, with one steam launch.

Senator DIXON. I do not think it is objectionable myself.

Senator HEYBURN. I do not want to appear objectionable, but if we purchase them, it should be because we want them and not because they have to abandon them.

Senator DILLINGHAM. They stay there on account of the sealing business; there is absolutely nothing else to do except that; they are fixtures the same as the seals are. I was wondering if it would not be better if those are acquired, that they be acquired by the United States and then any disposition of them made afterwards which seems to be best.

Mr. LEMBKEY. May I state that it would be necessary for the Government either to acquire the paraphernalia of the sealing company or to provide paraphernalia of its own. It is absolutely impossible for us—for the present officers or the officials of the islands to conduct the business without this or similar paraphernalia; we must have the paraphernalia of the North American Sealing Company or similar paraphernalia.

Secretary NAGEL. As to these buildings and this property, we have put this provision into this section really because it was suggested in the original transfer of the old lease to the present lease, and because we know we shall be in immediate need of just these kind of facilities. Of course, we might rely on our right to secure these buildings at the expiration of the lease, but I imagine that the tenant has the right to destroy them if he sees fit so to do.

Senator DOLLIVER. What kind of houses are these?

Mr. LEMBKEY. They are frame houses.

Senator DIXON. One room or two?

Mr. LEMBKEY. I think there are two rooms, very small houses, and a small overhang which serves as a room.

Senator DOLLIVER. You do not seem to provide for the valuation on these things.

Senator DIXON. Line 16 "at a fair valuation to be agreed upon."

Secretary NAGEL. Doctor Lembkey, you have been stationed up there?

Mr. LEMBKEY. Yes, sir.

Secretary NAGEL. For how many years?—A. Ten years.

Mr. LEMBKEY. What is your official title?—A. I am special agent in charge of the seal fisheries.

Senator DOLLIVER. I would like to ask who holds the lease at present?

Mr. LEMBKEY. The lease is now held by the North American Commercial Company, a corporation chartered under the laws of the State of California.

Senator DOLLIVER. Is it known who are the stockholders?

Mr. LEMBKEY. There is a pamphlet in existence which gives the articles of incorporation and the names of those who appear as stockholders.

Senator DOLLIVER. Who are the present owners of the stock?

Mr. LEMBKEY. I have no knowledge as to that.

Senator CLARK. It is generally understood, whether it is based on facts or not I do not know, that D. O. Mills, or the estate of D. O. Mills, owns the greater portion of the stock.

Doctor HORNADAY. Yes, sir; and Mr. Henry Liebes, of San Francisco, the president of the company, owns one-third of the stock, and the estate of D. O. Mills at present two-thirds of it.

Mr. LEMBKEY. Mr. Taylor is the present president; Henry Liebes was the president, but Mr. Taylor is at present the president.

Secretary NAGEL. Now, of course, this bill was delayed, and I am in a measure responsible for the delay. Without going into details, I would like to say that I have been in conference with the Secretary of State for some time, and he suggested to me not to take any steps of any kind for a time because of the condition of the negotiations pending, and I am moved at this time because I could not delay the matter any longer.

Senator DOLLIVER. Did you find out what negotiations of the State Department are likely to be disturbed by this legislation? A member of that committee tried to explain to me that it was rather a delicate subject to go into at all.

Secretary NAGEL. How this proposed legislation might affect the negotiations pending between the State Department and other countries?

Senator DOLLIVER. Yes; these negotiations with Japan and Russia.

Secretary NAGEL. No; quite to the contrary, I think I am at liberty to say that this legislation meets with the entire approval of the State Department; I have not taken a step without conferring with them.

Senator DIXON. How urgent are the old lessees that you execute a new lease?

Secretary NAGEL. I do not know, but I should imagine that they would like to have it; they have been quite reticent with me.

Senator DIXON. If a new lease is authorized, the present company is practically the only company that can bid?

Secretary NAGEL. I do not know about that; I may not be in position to give all the facts, but there have been a number of inquiries from other persons as to when this lease would be awarded.

Senator DIXON. Have you advertised?

Secretary NAGEL. No, we have not, but as early as last November I put this matter before the State Department, taking the position then

that it was a case of pelagic sealing—the end of the seal or the end of pelagic sealing; since then we have communicated, and I have held off as long as I could. What is now done is done with the entire approval of the State Department.

Senator DOLLIVER. What is this \$150,000 for?

Mr. LEMBKEY. That would be for the cost of getting supplies to the islands, the cost of maintaining the school, wages, salaries, etc.

Mr. BOWERS. I will say that the natives have received from the sale of the skins 75 cents for each skin, amounting to \$12,000, which goes to the natives to their support, and that \$12,000 with the \$19,500 makes an appropriation of \$31,500.

Senator DIXON. You say now about \$19,500 carried in the sundry civil bill?

Mr. BOWERS. Yes, sir.

Senator DIXON. And \$12,000 which the natives receive for skinning the seals?

Mr. BOWERS. Yes, sir; that is the whole amount of money that the natives have received. Is not that your construction, Doctor Lembkey?

Mr. LEMBKEY. Yes, sir; under this lease; under the previous lease they got as high as \$40,000.

Senator DOLLIVER. Why should we have this amount of appropriation?

Secretary NAGEL. I can see one reason: This North American Commercial Company provides educational facilities and things of that sort, as I remember the contract, doesn't it, Doctor?

Mr. LEMBKEY. Yes, sir; I will state, Mr. Chairman, that it is necessary to take about 600 tons of supplies to the islands each year, purchased in San Francisco and other points on the coast; in order to do this heretofore it has been necessary to charter a vessel. A rather undetermined amount, of course, will have to be paid from this appropriation.

Senator DIXON. Approximately, how much?

Mr. LEMBKEY. It is questionable if you could get it chartered on the coast at this day for less than \$300 a day.

Senator DIXON. How many days?

Mr. LEMBKEY. About one hundred and fifteen days.

Senator DIXON. That would be \$40,000.

Mr. LEMBKEY. Yes, sir.

Senator DIXON. And then the purchase of supplies as well; how much would that amount to?

Mr. LEMBKEY. The entire \$31,000 would be expended, of course. If you intend to take out the appropriation of the \$19,000 from the sundry civil bill that, of course, would make the charge against this amount of \$150,000 just that much more.

Senator DIXON. Would it take \$150,000, or would \$100,000 suffice?

Mr. LEMBKEY. One hundred thousand dollars would suffice, in my opinion, provided it is not necessary to expend any of that money for the paraphernalia of the company; but being a man interested in the practical work of the fur-seal industry there, I feel that we should have some assurance that in landing these supplies and taking the sealskins that we shall be required to take we should be able to use the complete paraphernalia for that purpose which the lessee has

provided; otherwise we would be almost at a loss to transact the business of the Government.

Senator DIXON. You think, then, that \$150,000 would cover the entire amount of the expenditure?

Mr. LEMBKEY. Yes, sir.

Doctor HORNADAY. I wish to express, on behalf of myself and the men that I represent, our great delight in the progress that has been made for the saving of the fur seal. Far be it from me to offer any form of criticism, but since the matter is now in the formative stage, it is perhaps proper for me to offer one or two suggestions that seem to me to be important; otherwise I would not occupy your time with them. As you are aware, I am deeply interested in this subject and am indeed delighted that it is to reach this conclusion.

Now, the men of the Camp Fire Club, which club has a membership of 350, who have taken this matter up in the most patriotic spirit, are convinced that our position as a nation really demands the going to Canada and Japan with absolutely clean hands and saying, "We have stopped the killing of seals on our islands." If we go to them and say that, they will, of course, say to us, "How do you prove that—what have you to show for that assertion—where is your regulation that backs up your statement that you have stopped the killing of seals on those islands;" this bill, No. 7242, is to provide for the killing of seals and the taking of skins. Now, that brings me to the crux of what I consider a very serious condition. We have contended in our own minds at least, and sometimes on paper, that following the Russian experience, the situation demands an absolutely closed season. I am aware of the fact that the advisory board of the fur-seal service holds a different view; in fact, holds to the view as enunciated to the Commissioner of Fisheries and the Secretary of Commerce and Labor, that it is right to kill 95 per cent annually of the 3-year-old bachelor seals.

Now, in conversation with some of the members of the advisory board, I have learned that those members have held the view that it is necessary for the preservation of the fur-seal herd that these males be allowed to be killed; that they will fight over the females and tear them to pieces and thus kill them. I am obliged to say here that I differ entirely from that view. As a zoologist who has made some study on the subject of the restoration of nearly exterminated species, I am fully convinced that the finest way in the world to restore any depleted species is to protect that species on good feeding grounds and let it alone. We know that just prior to the acquisition of those islands by the United States, seals existed there literally in millions. The proportion of males was so great that it was possible to kill a hundred thousand without their being missed. And we know that, as a matter of zoological history, there is not a single species in the world which has required the intervention of man for the purpose of the killing off of its surplus males. Now that is a fact that is not open to argument at all; it is a fixed zoological fact. In my opinion, there is absolutely nothing to fear from the surplus male seals if you declare a closed season there for a certain period of years. I think that the situation would be greatly strengthened if this Government and Congress could have now some assurance from some one, preferably the Secretary of Commerce and Labor, regarding the future operations on the seal islands during the next five years.

Senator CLARK. How could we have that, Doctor?

Doctor HORNADAY. If the Secretary of Commerce and Labor should elect to assure us now that he does not consider it expedient or wise to kill any seals there for commercial purposes during the next five years, I think that would be entirely sufficient.

Senator CLARK. How could that possibly be sufficient when you consider the possibility of a change in administration, and when you consider the further possibility of the fact that the Secretary of Commerce and Labor can in no sense, except as a matter of policy, bind his successor; of course, he could establish for the present the policy of his department, but that policy would be subject to any change that any successor might see fit to make.

Secretary NAGEL. I might say here that it would be subject to the President's control at any minute; and I might also say that it would be subject to conference with the State Department, and my policy would be controlled entirely by that consideration.

Senator DILLINGHAM. Does not this bill place the Secretary, and in fact, the Government, in a position where they can say anything they please to Japan and to Great Britain; they have the power by law to kill or not to kill, and in their negotiations, do they not now possess the advantage that you think they should have?

Doctor HORNADAY. Well, that is quite true, but I do not think it goes far enough; there is no assurance in this bill or in these proceedings, so far, that there is actually to be a cessation of the killing of seals for commercial purposes on those islands for any given length of time. The point is raised, of course, that if we can not suppress pelagic sealing then the logical thing to do is for us to proceed to kill on the islands until the seals are all exterminated. You will remember, a bill was introduced in Congress not long ago providing that unless we got some arrangements with Canada, that we should proceed to the killing of seals on the islands. I do not at all agree with this plan of procedure. If we can not stop pelagic sealing and the seals are to be exterminated, I should much rather see them exterminated on the high seas than on the islands of the United States. We have for a matter of twenty years smarted under the wanton disgrace of the destruction of the buffalo millions, and for my part, as an American citizen, I would not consider it desirable for one moment for this Government to exterminate the fur seal simply because we can not stop pelagic sealing. I would rather see the odium rest entirely on the pelagic sealers, even though we should lose a few thousand dollars ourselves.

Senator DIXON. As I understand it, the policy of the administration is to enforce a closed season; that is the desired policy?

Doctor HORNADAY. I should like to see it the policy, and that is what I am asking. I wish it remembered now that I make the specific request that, no matter how it is attained, that there should be provided a closed season of at least five years. I think it is a zoological necessity.

Doctor EVERMANN. I wish to say that the advisory board of the fur-seal service carefully considered this question as to whether there should be an entire stopping of killing on these islands for one year, two years, or any number of years. The advisory board is made up of people who have all been to the seal islands and are more or less familiar with conditions there. It was the unanimous opinion of this

advisory board that the entire stopping of killing of the seals there could have no effect whatever upon the increasing of the herd. It would have no more effect upon increasing the herd of seals upon the islands than would the fact of a farmer keeping all of his bulls and rams and boar pigs. The seal is highly polygamous and leaving all of the males would be just as useless as it would be for a man who has a flock of sheep to keep all of his rams, and by tying your hands so that you will not kill any seals at all upon the islands you will be playing right into the hands of the pelagic sealers.

Senator CLARK. Upon what authority of law was this advisory board appointed?

Doctor EVERMANN. Under no authority of law, but it was appointed by Secretary Straus, former Secretary of Commerce and Labor.

Senator CLARK. And of whom does the board consist?

Doctor EVERMANN. The board consists of Mr. Lembley, the chief fur-seal agent on the islands; Dr. David Starr Jordan, president Leland Stanford University; Dr. C. Hart Merriam, director of the Biological Survey; Dr. Leonard Stejneger; Mr. F. A. Lucas, director of the Brooklyn Institute of Arts and Sciences; Charles H. Townsend, who has been on the islands many times, who is now director of the New York Aquarium; Edwin W. Sims, formerly solicitor of the department, and Mr. Frank H. Hitchcock, the present Postmaster-General; all of whom I think, with the exception of Mr. Hitchcock, have visited the islands.

The CHAIRMAN. Is there anyone else present who desires to be heard? [Pause.] If not this concludes the hearing and the committee will stand adjourned.

Appended hereto will be found the bill as introduced, the message of the President, the report of the committee, and the law on this subject.

[PUBLIC, No. 146. S. 7242.]

AN ACT To protect the seal fisheries of Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: *Provided, however,* That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other person: *And provided further,* That male seals only shall be killed and that not more than ninety-five per centum of three-year-old male seals shall be killed in any one year.

Sec. 2. That any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States: *Provided,* That the directions of this section, relating to the disposition of sealskins and the proceeds thereof, shall be subject to the provisions of any treaty hereafter made by the United States for the protection of seal life.

SEC. 3. That whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation, to be fixed from time to time by the Secretary of Commerce and Labor, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit.

SEC. 4. That section nineteen hundred and fifty-six of the Revised Statutes of the United States and section one hundred and seventy-three of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof, shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law."

SEC. 5. That section nineteen hundred and fifty-nine of the Revised Statutes of the United States and section one hundred and seventy-six of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect."

SEC. 6. That section nineteen hundred and sixty of the Revised Statutes of the United States and section one hundred and seventy-seven of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor."

SEC. 7. That section nineteen hundred and sixty-one of the Revised Statutes of the United States and section one hundred and seventy-eight of the act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States."

SEC. 8. That section one of the act of December twenty-ninth, eighteen hundred and ninety-seven, be amended to read as follows:

"No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any

time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea, and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea."

SEC. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation: he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of Saint Paul and Saint George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of Saint Paul and Saint George, including the dwellings of the natives of said islands: he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President: and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

SEC. 10. That sections nineteen hundred and sixty-two, nineteen hundred and sixty-three, nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy, nineteen hundred and seventy-one, and nineteen hundred and seventy-two of the Revised Statutes of the United States, and all acts and parts of acts inconsistent with this act are hereby repealed. The provisions of this act shall take effect from and after the first day of May, nineteen hundred and ten: and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars for carrying into effect the provisions of this act.

Approved, April 21, 1910.

[Senate Report No. 441, Sixty-first Congress, second session.]

The Committee on Conservation of National Resources having had under consideration the bill (S. 7242) to protect the seal fisheries of Alaska, and for other purposes, beg leave to report the same with the recommendation that it pass with certain slight amendments.

After extensive hearings, covering every phase of the fur-seal question, your committee is of the unanimous opinion that unless legislation is had immediately the final extermination of the fur seal in American waters will be an accomplished fact within the next two or three years. The present lease to the North American Commercial Company will expire April 30, 1910. The committee believes that the provisions of the present leasing law are mandatory, and unless remedial legislation is had before April 30 of this year the United States Government will be compelled, under the law, to execute a new lease, either to the present lessees or to some other company, and that with the execution of such lease the final chapter in the history of the fur seal will have been written. The committee feels that the present situation is a critical one and can not too strongly urge the necessity for immediate action. The climatic conditions existing in these Alaskan waters make the Pribilof Islands the natural home of the fur seal. They are situated about 2,000 miles from Seattle by the most direct route, and are isolated from other land, the nearest point to the south being Unalaska Island, at a distance of 214 miles. The islands constituting the Pribilof group, which are of volcanic origin, are five in number.

St. Paul and St. George islands are the only ones of importance, the others being small islets and uninhabited. Following the discovery of these islands, settlements were at once made thereon by the Russians. The killing of the fur seal by the Russians from the year 1786 until 1835 reduced the fur-seal herd to a little in excess of 4,000. In 1835 a closed season of ten years was established. This resulted in a gradual rehabilitation of the Pribilof seal herd. From 1850 until these islands were acquired by the United States the killing of the male seals only was permitted under strict regulations of the

Russian Government, with the result that at the time of our acquisition of these islands in 1867 it was estimated that there were about 4,000,000 fur seals on the Pribilof Islands. In 1870 the United States adopted the leasing system in regard to the fur seal. During the twenty-year period of the first lease, in 1870, 100,000 young male seals were killed annually. It was estimated that so late as 1885 the fur-seal herd approximated about 2,000,000 animals. In 1905 the number had been reduced to about 200,000. The estimate of the present number of seals on these islands varies from 30,000 to 140,000. Last season the catch of male seals on these islands under the lease expiring April 30 was a little in excess of 14,000 male seals.

THE FUR SEAL AS A REVENUE PRODUCER.

It is estimated by the government officials that the revenue to the United States Government from 1870 to 1890 from the fur-seal industry turned into the Treasury an income of \$5,981,036.50. Since 1890, under the present leasing system and the rapid diminution of the seal herd, owing to the catch on land and to pelagic sealing, the Government has probably paid out for patrolling the waters, in the pay of its agents and in the maintenance of the natives who live on these islands, more than \$1,000,000 in excess of the revenue formerly derived from this industry. Your committee is of the opinion that if a closed season could be established for the islands themselves and pelagic sealing could be prohibited for a period of ten years that the Pribilof Islands and the American seal herd on the Pribilof Islands could be so rehabilitated that, under proper regulations, not less than 100,000 seal skins annually could be taken that would yield the Government not less than \$1,000,000 in revenue yearly.

The President of the United States being impressed with the urgent necessity of legislation along the lines set forth in the bill under discussion saw fit on the 15th of this month to transmit to the Congress a special message regarding the critical condition of the fur-seal industry, which is made a part of this report and marked "Exhibit A."

The purpose of the present bill is to radically and completely change the policy heretofore pursued with regard to the fur seal. Under the policy now in existence this herd has diminished from 4,500,000 in 1867 to probably about 60,000 at the present time. Instead of the leasing system heretofore provided for, the present bill proposes to put the control of the seals wholly within the jurisdiction of the Secretary of Commerce and Labor, giving him the right to establish closed seasons if he sees fit to do so, and giving him the right to kill such of the male seals as the experience of the past thirty years seems to justify. The bill prohibits pelagic sealing by American citizens absolutely north of the thirty-fifth parallel of latitude. The North American Commercial Company, whose lease expires April 30, has certain equipment on these islands that the Government may find it convenient to purchase, and provision is made in the bill to give the Secretary of Commerce and Labor the right at his discretion to purchase such of the equipment as, in his judgment, he may find it convenient and necessary for the use of the Government in the future.

There is now on the Pribilof Islands a colony of Aleuts, transported to these islands from the mainland and the adjoining islands, who have heretofore and are now utilized in connection with the taking of the fur seal. They are wholly dependent, temporarily, at least, on this Government for their support and maintenance. It is estimated that they number about 300 persons.

PELAGIC SEALING.

The greatest evil at this time arises from what is called pelagic sealing. The fur seals being migratory in their habits, they spend about four months of each year—July, August, September, and October—on the Pribilof Islands, during which time the females give birth to their young. During the remaining eight months of the year the seals take their annual migration, the route in general leading southwesterly from the Pribilof Islands and extending southward as far as San Francisco, the farthest point south being reached about the month of January, when the course of their migration turns again northward along the western coast of Alaska, ending at the Pribilof Islands some time in the month of July. It is estimated at the present time that the pelagic sealing fleet contains about 30 vessels, manned by about 1,200 men and using about 300 boats. The pelagic sealing fleet follows the route of the seals during their migration, killing them at sea in great numbers. The greatest killing, however,

is done around the islands and close along the Pacific coast, from San Francisco up to Prince William Sound. During the breeding season, from July to October, the mother seals are obliged to leave the islands to go off shore from 60 to 100 miles in search of food. As soon as the mother seals leave the islands and get beyond the international jurisdictional limit the pelagic sealers kill them indiscriminately. The mother seal is obliged to run the gamut of this sealing fleet. The destruction of the mother seal means the starvation of the offspring on shore. During one season not less than 30,000 dead seal pups were counted on the Pribilof Islands whose mothers had been killed at sea by the pelagic sealers.

PREVIOUS ATTEMPTS AT LEGISLATION TO PROTECT FUR SEALS.

The committee feels that it would not be amiss to call attention to the fact that heretofore efforts have been made to enact new legislation that would in some way prevent the total extermination of the fur seal. In 1896, the Hon. Nelson Dingley introduced H. R. 3206 looking to the protection of the fur seal. After full debate it passed the House of Representatives unanimously on February 25. It was favorably reported by Senator Frye on March 4 and made a special order for March 11, but under urgent representation that "treaty negotiations had been reopened," the bill did not pass the Senate.

On February 2, 1903, the House of Representatives passed H. R. 13387, but on February 12 of that year the bill failed of passage in the Senate, owing to representations made that the bill would not be needed as the fur-seal question was about to be settled by treaty negotiations.

In 1903, a special subcommittee of Senators, consisting of Senators Dillingham, Nelson, Burnham, and Patterson, visited the Pribilof Islands and made an exhaustive report regarding the need of immediate legislation on the part of Congress. At the following session of Congress Senator Dillingham introduced a bill providing for a closed season, but the bill never received the favorable consideration of Congress.

In conclusion, the committee would say that the present bill receives the complete approval of the Secretary of Commerce and Labor and the Secretary of State, the Secretary of Commerce and Labor having appeared before the committee and urging the necessity for immediate legislation. The bill was also referred to the Secretary of State, and has his approval.

In order that a full comparison may be had of the provisions of the present proposed law with the laws now in existence relative to the fur seal, we have appended hereto, marked "Exhibit B," the sections of the present law as amended by the present bill; also the sections proposed to be repealed relative to the leasing of fur-seal privileges.

The committee recommends the following amendments to the bill:

On page 2, line 12, strike out all after the word "States," in said section.

On page 7, line 2, strike out all of said line after the word "islands;" also all of line 3, and the words "thereof and their heirs," in line 4.

At the end of the bill, section 10, strike out the period in line 25 and insert in lieu thereof a semicolon, and add the following: "and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars, for carrying into effect the provisions of this act."

EXHIBIT A.

[Senate Document No. 430, Sixty-first Congress, second session.]

To the Senate and House of Representatives:

By the terms of section 1963, United States Revised Statutes, the Secretary of Commerce and Labor is directed, at the expiration of the lease which gives the North American Commercial Company the right to engage in taking fur seals on the islands of St. Paul and St. George, to enter into a new lease covering the same purpose for a period of twenty years. The present lease will expire on the 30th of April, 1910, and it is important to determine whether or not changed conditions call for a modification of the policy which has so far been followed.

The Secretary of State and the Secretary of Commerce and Labor unite in recommending a radical change of this policy. It appears that the seal herds on the islands named have been reduced to such an extent that their early extinction must be looked for unless measures for their preservation be adopted. A herd numbering 375,000 twelve years ago is now reduced to 134,000, and it is estimated that the breeding seals have been reduced in the same period of time from 130,000 to 56,000. The rapid depletion of these herds is undoubtedly to be ascribed to the practice of pelagic sealing, which prevails in spite of the constant and earnest efforts on the part of this Government to have it discontinued.

The policy which the United States has adopted with respect to the killing of seals on the islands is not believed to have had a substantial effect upon the reduction of the herd. But the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries. To that end it is recommended that the leasing system be abandoned for the present, and that the Government take over entire control of the islands, including the inhabitants and the seal herds. The objection which has heretofore been made to this policy, upon the ground that the Government would engage in private business, has been deprived of practical force. The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation.

It is recommended, therefore, that the provision for a renewal of the lease be repealed, and that instead a law be enacted to authorize the Department of Commerce and Labor to take charge of the islands, with authority to protect the inhabitants substantially as has been done in the past, and to control the seal herds as far as present conditions admit of, pending negotiations with foreign countries looking to the discontinuance of pelagic sealing. If this result can be obtained, as is confidently believed, there is every prospect that the seal herds will not only be preserved but will increase, so as to make them a source of permanent income.

A draft of a bill covering this matter has been prepared by the Secretary of Commerce and Labor, and upon request will be submitted to the appropriate committees.

WM. H. TAFT.

THE WHITE HOUSE, *March 15, 1910.*

EXHIBIT B.

SECTIONS AMENDED.

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulation as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law, and to provide for the execution of the provisions of this section until it is otherwise provided by law.

The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed, and shall be deemed guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect.

It shall be unlawful to kill any fur seal upon the Pribilof Islands or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor.

It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea.

SECTIONS REPEALED.

When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pursuant to the act of July one, one thousand eight hundred and seventy, chapter one hundred and eighty-nine [R. S. 1957, 1960-1971, 5293], or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary of Commerce and Labor shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount: and every such lease shall be duly executed in duplicate, and shall not be transferable.

The Secretary of Commerce and Labor shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of Commerce and Labor, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of Commerce and Labor shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

If any person or company, under any lease herein authorized, knowingly kills or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of Commerce and Labor is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

The Secretary of Commerce and Labor may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.



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